

**MINUTES OF THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**February 23, 1999**

DIVISION ONE

Court convened at 9:00 A.M.

Present: Spencer, P.J., Ortega, J., Masterson, J., and S. Beaux, Deputy Clerk.

Each of the following:

B116304 People v. Jordan  
B117665 People v. Manuel  
B118218 People v. Farrell et al.  
B118446 People v. Carter  
B120360 People v. Edwards  
B120114 People v. Matlock  
B121444 People v. Gipson  
B121323 People v. Pascascio  
B121337 People v. Thompson  
B121312 People v. Hollis  
B124155 In re Carter on H.C.  
B124356 In re Santana V.  
B124875 In re Stephanie C.  
B125064 People v. Daniel I.  
B127274 Felipe O. et al. v. SCLA  
B127281 Linda S. et al. v. SCLA

Argument waived, cause submitted.

B115993      Appel  
                 v.  
                 Collins, Collins, Muir & Travers et al.

Merits:

Argued by Samuel J. Muir for respondent and no appearance for appellant.  
Cause submitted.

DIVISION ONE (Continued)

B127964     Jerry I., et al.  
              v.  
              SCLA  
              (DCFS, r.p.i.)

Merits:

No appearance by appellant and respondents having waived. Argument deemed waived. Cause submitted.

B121179     The People  
              v.  
              Crampton

Merits:

Argued by Robert M. Sweet for appellant and by Jeannie J. Park for respondent. Counsel waives presence of Justice Vogel. Cause submitted.

B117233     Banks  
              v.  
              Northrop Grumman Corp.

Merits:

Argued by Anna Y. Park for appellant and by Charles F. Barker for respondent. Counsel waives presence of Justice Vogel. Cause submitted.

B116871     Stein  
              v.  
              Downing

Merits:

Argued by Rosario Perry for appellant-respondent Downing and by Gordon P. Gitlen for respondent-appellant Stein. Cause submitted.

DIVISION ONE (Continued)

B119334     Miller  
              v.  
              King et al.

Merits:

Argued by Richard S. Berger for appellant; Russell J. Nadel for respondent King and Michael Ambrosi for respondent Namihas. Cause submitted.

B116266     The People v. Jelks  
B122485     In re Jelks on Habeas Corpus

Merits:

Argued by Chris R. Redburn for appellant and by Wendy Chase Arenson, deputy attorney general, for respondent. Counsel waives presence of Justice Vogel. Cause submitted.

B124295     Williams  
              v.  
              Slater et al.

Merits:

Argued by Benjamin L. Hecht for appellant and by David Romley for respondent. Cause submitted.

B121785     VPS Mangagement Inc.  
              v.  
              SCLA  
              (Pacific Rim Insurance Company, r.p.i.)

Merits:

Argued by Jeff C. Katofsky for petitioner and by Heywood G. Friedman for real party in interest. Cause submitted.

DIVISION ONE (Continued)

B126145     VPS Mangagement Inc.  
              v.  
              SCLA  
              (Pacific Rim Insurance Company, r.p.i.)

Merits:  
Argued by Jeff C. Katofsky for petitioner and by Heywood G. Friedman for  
real party in interest. Cause submitted.

B119164     Estates of Clyde E. Blosser et al.  
B119254     v.  
              Bank of America

Merits:  
Argued by Anthony J. Divenere for appellant and by John A. Sturgeon for  
appellant. Counsel waives presence of Justice Vogel. Cause submitted.

B118291     Kelleher, Ph.D.  
              v.  
              20th Century Insurance Co.

Merits:  
Argued by William J. Kelleher for appellant and by Roy G. Weatherup for  
respondent. Cause submitted.

B122862     Alpha Property Management, Inc. et al.  
              v.  
              Carolina Casualty Ins. Co. et al.

Merits:  
Argued by James M. Cox for appellant and by William T. Nagle for  
respondent Carolina Casualty; Lawrence Borys for respondent Acceptance  
Ins. and David R. Cooksey for respondent American Equity. Cause  
submitted.

Court adjourned.

February 23, 1999-Continued

## DIVISION ONE (Continued)

B121312      People  
v.  
Hollis

(Not for Publication)

The judgment is affirmed.

Masterson, J.

We concur: Ortega, Acting P.J.  
Vogel (Miriam A.), J.

B124875 Co. of Los Angeles, Department of Children and Family Services (Not for Publication)  
v.  
Patricia C.

The orders under review are affirmed.

Masterson, J.

We concur: Ortega, Acting P.J.  
Vogel (Miriam A.), J.

DIVISION TWO

B105790      Wadlow      (Not for Publication)  
v.  
Jackrabbit Motorcycle Club

The judgment is reversed and the matter remanded for trial consistent with the views expressed in this opinion. Each party shall bear its own costs on appeal.

Boren, P.J.

We concur: Fukuto, J.  
Mallano, J. (Assigned)

DIVISION TWO (Continued)

B118835      Aaron Raznick et al.      (Not for Publication)  
v.  
Dromoland Castle Owners Association, Inc.

The order under review is reversed. Plaintiffs shall recover costs.

Mallano, J. (Assigned)

We concur:    Boren, P.J.  
                    Zebrowski, J.

B119330      People      (Not for Publication)  
v.  
Jamale Poole

The Court:

The judgment is affirmed.

Boren, P.J., Nott, J., Zebrowski, J.

B115789      Donald Bruno      (Not for Publication)  
v.  
Food 4 Less Holdings, Inc. et al.

The portion of the judgment which adjudicates the eighth, ninth and tenth causes of action in favor of defendants Food 4 Less and Tremblay is affirmed, as is the portion of the judgment from which an appeal was not taken (the second through seventh causes of action.) The judgment in favor of defendants Food 4 Less and Tremblay is reversed insofar as it adjudicated the first cause of action for malicious prosecution in favor of defendants. The judgment in favor of defendant Sosa is reversed. The matter is remanded to the trial court for further proceedings consistent with this opinion. Parties to bear their own costs.

Zebrowski, J.

We concur:    Boren, P.J.  
                    Nott, J.

DIVISION THREE

B117050 Teachers Insurance & Annuity Assoc.  
v.  
Alex Furlotti, et al.

Filed order vacating submission order of November 10, 1998. Due to the press of other court business and the complexity of the issues in this case, additional time is needed to complete and file the opinion in this matter. Cause resubmitted.

B126410 City of Long Beach (Not for Publication)  
v.  
Superior Court, Los Angeles County  
(Shirley Myles, r.p.i.)

Let a peremptory writ of mandate issue directing the respondent court: (1) to vacate the order, entered on October 6, 1998, granting the application for relief from the claims filing requirement of Government Code section 945.4; and (2) to enter an order denying the application.

Upon compliance with the writ of mandate, the stay order, entered on November 17, 1998, will expire by its own terms.

No costs are awarded in this proceeding.

Klein, P.J., Croskey, J., Kitching, J.

B110667 David Drexler  
v.  
PLCM Group, Inc. et al.

Filed order vacating submission order of November 19, 1998, for the reason that, due to the press of other court business, additional time is needed to complete and file the opinion in this matter. Cause resubmitted.

DIVISION FIVE

B125726      City of Huntington Park      (Not for Publication)  
v.  
Superior Court, Los Angeles County  
(Ramon Martin, r.p.i.)

Let a peremptory writ of mandate issue directing respondent court to vacate its order of September 11, 1998, adopting the recommendations of the discovery referee, and enter a new and different order sustaining the objections to the report filed by defendant City of Huntington Beach. No costs are awarded in this proceeding.

Godoy Perez, J.

We concur:    Turner, P.J.  
                  Armstrong, J.

B119811      People      (Not for Publication)  
v.  
Charles McNealy

The judgment is modified to reflect the \$500 Penal Code sections 1202.4, subdivision (b)(1) and 1202.45 restitution fines discussed in the body of this opinion. Upon issuance of the remittitur and imposition of the additional \$500 Penal Code section 1202.45 fine, the superior court clerk is directed to issue an amended abstract of judgment which reflects both restitution fines and forward it to the Department of Corrections. The judgment including the determinate term of 29 years consecutive to the 2 concurrent indeterminate terms of 50 years to life is affirmed in all other respects.

Turner, P.J.

We concur:    Armstrong, J.  
                  Godoy Perez, J.



## February 23, 1999-Continued

## DIVISION FIVE (Continued)

B119382      People                                  (Not for Publication)  
v.  
Steven Morris

The judgment is affirmed.

Armstrong, J.

We concur: Turner, P.J.  
Godoy Perez, J.

B123304      People                                  (Not for Publication)  
v.  
Keith Jackson

The judgment is modified to reflect a penalty assessment of \$650 pursuant to section 1464 and a penalty assessment of \$455 pursuant to Government Code section 76000. The judgment is affirmed in all other respects.

Armstrong, J.

We concur: Turner, P.J.  
Godoy Perez, J.

DIVISION SIX

B118168 Harris (Certified for Publication)  
v.  
The Oaks Shopping Center

The judgment is reversed. Costs are awarded to appellant.

Gilbert, A.P.J.

We concur: Coffee, J.  
Stone, J. (Assigned)

## February 23, 1999-Continued

## DIVISION SIX (Continued)

B119278      Gonzalez      (Certified for Publication)

V.

# Hughes Aircraft Employees Federal Credit Union

We uphold the order of the trial court which denies Hughes' petition to compel arbitration. Costs are awarded to respondent.

Gilbert, Acting P.J.

I concur: Coffee, J.

I dissent: Yegan, J. (Opinion)

B121767 People (Not for Publication)

V.

## Poindexter

The judgment is affirmed.

Yegan, J.

We concur:    Gilbert, Acting P.J.

Coffee, J.

B118657 People (Not for Publication)

V.

# Elenes

The judgment is affirmed.

Yegan, J.

We concur:    Gilbert, Acting P.J.

Coffee, J.

## February 23, 1999-Continued

## DIVISION SIX (Continued)

[illegible]

The judgment is affirmed.

Burke, J. (Assigned)

We concur:    Gilbert, Acting P.J.  
                      Yegan, J.

B123405 People (Not for Publication)  
v.  
McGuire

The judgment is affirmed.

Coffee, J.

We concur: Yegan, Acting P.J.  
Burke, J. (Assigned)

## DIVISION SEVEN

B122147 People (Not for Publication)  
v.  
Brown

The judgments and order are affirmed.

Lillie, P.J.

We concur:   Johnson, J.  
                      Neal, J.

## DIVISION SEVEN (Continued)

[illegible]

The judgment is affirmed.

Neal, J.

We concur:   Johnson, Acting P.J.  
                      Woods, J.

B117883      Howland                      (Not for Publication)  
v.  
Tillman

The sanctions order is reversed. Each side shall bear its own costs on appeal.

Neal, J.

We concur:   Johnson, Acting P.J.  
                      Woods, J.

B119086 Ramey, et al. (Not for Publication)  
v.  
Calif. Coastal Commission and  
Harald Eidie and Barbara Eidie

The judgment is reversed and the writ vacated. Appellants are awarded costs on appeal.

Johnson, J.

We concur: Lillie, P.J.  
Neal, J.

February 23, 1999-Continued

## DIVISION SEVEN (Continued)

B121910 People (Not for Publication)  
v.  
Lepule

The judgment is affirmed.

Lillie, P.J.

We concur: Woods, J.  
Neal, J.